

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN E. SNYDER,

Plaintiff,

v.

Case No. 1:05-CV-809

TROOPER LINCOLN MILLER, et al.,

HON. GORDON J. QUIST

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has before it Plaintiff's Objections to the report and recommendation dated December 11, 2006, in which Magistrate Judge Brenneman recommended that Defendant Van Buren County Sheriff's Department's motion for summary judgment be granted. The magistrate judge, treating the motion as one by Van Buren County on the basis that the Sheriff's Department is not a separate entity, concluded that the motion should be granted because Plaintiff failed to present evidence sufficient to establish municipal liability against Van Buren County. In particular, the magistrate judge found that Plaintiff failed to present evidence establishing a clear and persistent pattern of mistreatment of detainees, of which Van Buren County could have been aware for purposes of establishing municipal liability. After conducting a *de novo* review of the report and recommendation, the Court concludes that the report and recommendation should be adopted by the Court.

In his objection, Plaintiff complains about not receiving the report and recommendation in a timely manner and he disputes statements in the affidavits of Lieutenant Chris Baker and Nurse

Sharon Mullins, but he does not assert that the magistrate judge erred in concluding that Plaintiff failed to present evidence to establish his claim of municipal liability against Van Buren County. Given the lack of any reason to conclude that the magistrate judge reached an incorrect decision, the Court finds no reason to reject the report and recommendation. Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation issued December 11, 2006 (docket no. 57) is **APPROVED AND ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that Defendant Van Buren County Sheriff's Department's Motion For Summary Judgment (docket no. 37) is **GRANTED**.

Dated: March 9, 2007

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE